



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
07/402,450	09/01/89	MURAKAWA	G

HM22/0423
E. ANTHONY FIGG, ESQ.
ROTHWELL FIGG, ERNST & KURZ P.C.,
SUITE 701-E
555 13TH STREET, N.W.
WASHINGTON DC 20004

EXAMINER	
MARSCHEL, A	
ART UNIT	PAPER NUMBER
1631	44

DATE MAILED: 04/23/01

Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

THE PERIOD FOR RESPONSE:

a) is extended to run _____ or continues to run 3 mons from the date of the final rejection
b) expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

Appellant's Brief is due in accordance with 37 CFR 1.192(a).

Applicant's response to the final rejection, filed 4/4/01 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:
 - a. There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
 - b. They raise new issues that would require further consideration and/or search. (See Note).
 - c. They raise the issue of new matter. (See Note).
 - d. They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - e. They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____

2. Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.

3. Upon the filing an appeal, the proposed amendment will be entered will not be entered and the status of the claims will be as follows:

Claims allowed: 34, 38, 42, and 44-46

Claims objected to: none

Claims rejected: 35, 39, 43, and 47

However;

Applicant's response has overcome the following rejection(s): NEW MATTER signs of claim 34, 38, x 46; canceled claim thus removes rejections directed to them; amount of 08/769,584 removes all pat signs

4. The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because the NEW MATTER phrase "target RNA" remains in the above rejected claim in lines 1 or 2 of each claim as being broader than "target viral RNA". Claim 43 is included due to containing
5. The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented. said NEW MATTER phrase but inadvertently left out in the final action,

The proposed drawing correction has has not been approved by the examiner.

Other

Andrea N. Marschel
ANDREA N. MARSCHEL
PRIMARY EXAMINER

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